**THE HON'BLE SRI JUSTICE B. PRAKASH RAO**
**AND**
**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.No. 28738 of 1998**

Date: 22.06.2006

Between:

J. Purushotham.

… Petitioner

and

1. Registrar, AndhraPradesh, Lokayukta and Upa-lokayuktha, Basheer Bagh, Hyderabad and another.

…Respondents.

**THE HON'BLE SRI JUSTICE B. PRAKASH RAO**
**AND**
**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.No. 28738 of 1998**

**ORDER**: (per Hon'ble Sri Justice B. Prkash Rao)

The petitioner herein who is the Chief Executive Officer of the Z.P. Karimnagar files this writ petition *inter alia* seeking certiorari of the proceedings through letter Dis.No. 1024/UPA LOKA/B2/10899/98 dated 3/7th September, 1998 and also the complaint No. 1024/98B2, dated 02.09.1998. The main allegation in the writ petition is as to whether the power or authority of the A.P. Lokayukta and Upa-Lokayukta in entertaining the very complaint and issuance of the proceedings calling for the report and remarks thereon. On a reading of the affidavit filed in support of the writ petition, it is seen that no case has been made out to warrant any such action on the part of the Lokayukta and the provisions of the A.P. Lokayukta and Upa-Lokayukta Act 1983 and the Rules made therein. On considering the submissions made and also on perusal of the material, it is seen that the principal of the impugned action is against the proceedings 3/7th .09.1990 issued by the Upa-lokayukta wherein the Court on remarks has been called in pursuance of the aforesaid complaint No. 1024 of 1998, *prima facie* there is no decision or any finding as such by the Upa-lokayukta on the alleged complaint. The impugned action

is only formal calling for the remarks on the basis of the allegations made. *Prima facie*, we are of the view that the entire action on the part of the petitioner is quite unnatural and it is always for the petitioner to file the necessary objections or remarks through the complaint filed against them which can as well be considered by the Upa-lokayukta and enquired into as to whether any case has been made to entertain the very complaint itself. Having regard to the same, we do not find any merit in the writ petition. The writ petition is accordingly dismissed with liberty to the petitioner to file objections before the said upa-lokayukta and consider the same and disposed of the same on merits.

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B. PRAKASH RAO, J

Date: 22.06.2006

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RAMESH RANGANATHAN, J

MRKR